

**REMARKS**

Claims 1 and 5-18 are pending.

The Office Action rejects claims 1-18 under 35 USC 102(e) over Iwatani (US Pat. 6,629,512). This rejection is respectfully traversed.

The Examiner is thanked for the courtesies extended to Mr. Zibelli during the October 26 interview. During the interview, Mr. Zibelli pointed out that Iwatani does not disclose the intention determination element determines that the driver intends to start driving the vehicle when at least one of the following is fulfilled: (i) a condition that a shift lever is shifted to a position enabling the vehicle to be driven, (ii) a condition that an accelerator pedal is depressed, and (iii) a condition that a vehicle speed has exceeded a predetermined speed, as recited in claims 1 and 14 and the corresponding method recitation in claim 15. In particular, Mr. Zibelli pointed out that Iwatani's disclosure at col. 42, lines relating to "pedal operation" does not disclose "a condition that an accelerator pedal is depressed" as recited in these claims. The word "accelerator" does not seem to even appear in Iwatani.

Further, the claims recite that the intention determination element determines that the driver intends to start driving the vehicle. The conditions (i), (ii) and (iii) recited in the claims all are useful for determining the start of driving. In contrast, Iwatani discloses to preheat the engine before it is started. See col. 10, line 51- col. 11, line 5, for example. Iwatani discloses operation of the ignition key 27a and the opening of the door on the side of driver's seat, as well as sitting on the driver's seat of the driver, a fastening of the seat belt, a depressing of the brake pedal, a depressing of the clutch pedal in the MT vehicle, all actions which occur prior to starting of the vehicle. See col. 34, lines 36-44. In contrast to the conditions of Iwatani, the recited conditions of a shift lever is shifted to a position enabling the vehicle to be driven, an accelerator pedal is depressed, and a vehicle speed has exceeded a predetermined speed as recited in

independent claims 1 and 14 and the corresponding method recitation in claim 15 are conditions indicative of the driver intending to start driving.

Iwatani does not anticipate the rejection for the reasons stated above. Further, due to the common ownership and overlapping inventorship of Iwatani and the present application, Iwatani should not be available as a 103 reference. Withdrawal of the rejection is requested.

In view of the above, Applicant's submit that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

PATENT  
Serial No: 10/614,889  
Docket No. 10517-169

The Office is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

  
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